

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

IN RE GOOGLE INC. COOKIE PLACEMENT
CONSUMER PRIVACY LITIGATION

Case No. 12-MD-2358 (SLR)

This Document Relates to:
All Actions

ADAM E. SCHULMAN'S DECLARATION IN SUPPORT OF OBJECTION

COMPETITIVE ENTERPRISE INSTITUTE
CENTER FOR CLASS ACTION FAIRNESS
Adam E. Schulman (DC Bar # 1001606)
1310 L Street, NW, 7th Floor
Washington, DC 20005
Tel: 610-457-0856
adam.schulman@cei.org

Attorney for Objector Theodore H. Frank

I, Adam E. Schulman, declare as follows:

1. I have personal knowledge of the facts set forth herein and, if called as witness, could and would testify competently thereto.

2. My full name is Adam Ezra Schulman. My business address is Competitive Enterprise Institute, 1310 L Street NW, 7th Floor, Washington, DC 20005. My telephone number is (610) 457-0856. My email address is adam.schulman@cei.org.

3. I am an attorney with the non-profit Competitive Enterprise Institute's Center for Class Action. I represent fellow CEI attorney and class member Theodore H. Frank in objecting to the proposed settlement, class certification and fee request.

Factual Basis for Frank's Objection

4. The specific grounds of my client's objection are identified in his contemporaneously-filed Objection.

5. In the course of drafting Mr. Frank's objection, I discovered evidence that Google is already donating to several of the proposed *cy pres* recipients.

6. A true and accurate copy of the Berkman Klein Center for Internet & Society at Harvard University's *Funding and Support Policies* webpage as of December 16, 2016, *available at* <http://cyber.law.harvard.edu/about/support>, is attached as Exhibit A.

7. A true and accurate copy of the Center for Internet and Society's *About Us* webpage as of December 16, 2016, *available at* <http://cyberlaw.stanford.edu/about-us>, is attached as Exhibit B.

8. A true and accurate copy of Berkeley Center for Law and Technology's 2016-2017 *Sponsors* webpage as of December 16, 2016, *available at* <https://www.law.berkeley.edu/research/bclt/sponsors/2016-2017-sponsors/>, is attached as Exhibit C.

9. A true and accurate copy of Google's *U.S. Public Policy-Transparency* webpage as of December 16, 2016, *available at* <http://www.google.com/publicpolicy/transparency.html>, is attached as Exhibit D.

10. In the course of drafting Mr. Frank's objection, I discovered evidence that the Google has already entered into injunctions barring it from engaging in the conduct complained of in this litigation and providing for enforcement mechanisms through public attorneys general.

11. A true and accurate copy of the Juan Carlos Perez, *Google to pay \$22.5 Million Fine for Safari Tracking Violations* (Aug. 10, 2012), *available at* http://www.pcworld.com/article/260631/google_to_pay_225_million_fine_over_privacy_practices.html, is attached as Exhibit E.

12. A true and accurate copy of Stipulated Order for Permanent Injunction and Civil Penalty Judgment, *United States v. Google Inc.*, No. 3:12-cv-04177-SI, D.I. 32 (N.D. Cal. Nov. 20, 2012), is attached as Exhibit F.

13. A true and accurate copy of the Assurance of Voluntary Compliance, an agreement between Google and 37 state attorneys general dated November 13, 2013, *available at* <https://www.insideprivacy.com/wp-content/uploads/sites/6/2014/05/Google-Safari-State-AG.pdf>, is attached as Exhibit G.

14. In the course of drafting Mr. Frank's objection, I discovered evidence that co-lead class counsel Brian Strange's is the chairperson of the board for one of the proposed *cy pres* recipients.

15. A true and accurate copy of the Public Counsel's *About Us* webpage as of December 16, 2016, available at http://www.publiccounsel.org/about_us?id=0003, is attached as Exhibit H.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 20, in Alexandria, VA.



Adam Schulman

CERTIFICATE OF SERVICE

I hereby certify that on this day I filed the foregoing with the Clerk of the Court via ECF thus effectuating service on all counsel who are registered as electronic filers in this case. Additionally, in accordance with the Preliminary Approval Order, I caused to be served true and correct copies upon the following attorneys via U.S. mail at the addresses below:

SILVERMAN THOMPSON SLUTKIN WHITE Stephen G. Grygiel 201 N. Charles Street, 26th Floor Baltimore, MD 21201	STRANGE & BUTLER LLP Brian Russell Strange 12100 Wilshire Blvd., Suite 1900 Los Angeles, CA 90025
BARTIMUS, FRICKLETON, and ROBERTSON, P.C. James P. Frickleton 11150 Overbrook Road, Suite 200 Leawood, KS 66211	WILSON SONSINI GOODRICH & ROSATI Michael H. Rubin One Market Plaza Spear Tower, Suite 3300 San Francisco, CA 94105
WILSON SONSINI GOODRICH & ROSATI Anthony J. Weibell 650 Page Mill Road Palo Alto, CA 94304-1052	

DATED: December 20, 2016

(s) Adam Schulman
Adam Schulman